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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,494	10/17/2003	Michael Stuart Shane	ORCL5863/OID-2003-070-01	2193
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YOUNG LAW FIRM, P.C. 4370 ALPINE RD. STE. 106 PORTOLA VALLEY, CA 94028			EXAMINER PUENTE, EMERSON C	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 06/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,494	<b>Applicant(s)</b> SHANE, MICHAEL STUART
	<b>Examiner</b> Emerson C. Puente	<b>Art Unit</b> 2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 04 March 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-36 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 17 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1648)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

Claims 1-36 have been examined.

This action is made **Final**. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24,26,27,31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "step(s)" (see line 2 and 4 of claim), which is inconsistent with base claim 23, which discloses "logic".

Claim 32 recites the limitation "the method" (see line 3 of claim). There is insufficient antecedent basis for this limitation in the claim.

The remaining claims, not specifically mentioned, are rejected for being dependent upon one the claims mentioned above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-18, 20-29, and 31-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2004/0059809 of Benedikt et al. referred hereinafter "Benedikt".

Regarding claims 1, 12 and 23, Benedikt discloses a method for a computer, a machine-readable medium having data stored thereon representing sequences of instructions executed by computing device, and a computer system suitable for automatically testing a website or a web application without the use of a test script, comprising a database for storing a plurality of database objects, at least one processor, and at least one data storage device, and a plurality of processes spawned by said at least one processor (see figure 1 and page 2 paragraph 17) the processes including processing logic for:

opening a page within the website or web application. Benedikt discloses navigating through dynamic components of Websites (see page 2 paragraph 17) examining a code that generated the opened page and detecting a user input field in the examined code and categorizing the detected input field according to a type of the input field. Benedikt discloses discovering all the actions a user can execute while interacting with a webpage in a web browser, for example, browsing/navigation actions such as following a link and filling out and submitting forms (see page 2 paragraph 21)

consulting a knowledge base of standard inputs, the knowledge base of standard inputs storing a plurality of standard inputs that are categorized according to one of a plurality of input field types. Benedikt discloses provided values from a list of possible values to fill in the form by a tester (see page 2 paragraph 27), implying a knowledge database of standard inputs.

selecting a standard input from the knowledge base of standard inputs, the selected standard input being chosen from among the plurality of standard inputs of the selected input field type according to the categorized input field type of the detected user input field in the examined code and applying the selected standard input to the detected input field. Benedikt discloses provided values from a list of possible values to fill in the form by a tester (see page 2 paragraph 27).

checking a page generated by the website or the web application for a generated message as a result of applying the selected standard input to the detected input field and when the website or web application generates a message in response to the applied standard input, consulting a knowledge base of standard errors, the knowledge base of standard errors storing a plurality of standard errors and matching the generated message to one of the plurality of stored standard errors or assigning a likelihood that the generated message is an error message when the generated message does not match one of the plurality of stored standard errors in the knowledge base of standard errors. Benedikt further discloses determining failures in retrieving a Web page by returning page not found or unsuccessful form submission by returning

False by handler and grepping for strings that identify application specific errors (see page 6-7 paragraph 64).

generating a log entry, the log entry including at least one of an identification and a path of the generated page, the applied standard input, the generated message and a flag indicating that the generated message is an error message or is believed to be a potential error message. Benedikt discloses the error is logged (see page 6 paragraph 52).

Regarding claims 2, 13 and 24, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses initiating a testing session by logging in the website or web application, and returning to the examining step to complete successive iterations of the method until an end of the testing session is reached. Benedikt discloses performing recursive calls to the ChoiceFinder (see page 5 paragraph 49 and page 6 paragraph 52).

Regarding claims 3, 14 and 25, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses wherein the code includes at least one of HTML, XML, JavaScript and Java Applets (see page 2 paragraph 22).

Regarding claims 4, 15 and 26, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses wherein the end of the testing session is reached when a predetermined condition evaluates true (see page 6 paragraph 52).

Regarding claims 5, 16 and 27, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses wherein the predetermined condition includes at least one of a first selectable number of input fields have been tried, a

second selectable number of pages of the website or web application have been opened, after the website or web application has been tested for a third selectable number of minutes, after all pages of the website or web application under a main page of the predetermined URL have been tested, and a user-defined condition has been satisfied or a user-definable event has occurred (see page 6 paragraph 50-52).

Regarding claims 6, 17 and 28, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses at least one of adding a new standard input, updating an existing standard input and removing an existing standard to/from the knowledge base of standard inputs. Benedikt discloses provided values from a list of possible values to fill in the form by a tester (see page 2 paragraph 27), indicating a knowledge database of standard inputs, which must necessarily be added to the knowledge base at some point, either initially or thereafter.

Regarding claims 7, 18 and 29, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses at least one of adding a new standard error, updating an existing standard error and removing an existing standard error to/from the knowledge base of standard errors. Benedikt further discloses grepping for strings that identify application specific errors (see page 6-7 paragraph 64), indicating a knowledge database of standard errors, which must necessarily be added to the knowledge base at some point, either initially or thereafter.

Regarding claims 9, 20 and 31, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses wherein the returning step causes the opening step to return to and open a same page within the website or web application.

Benedikt discloses detecting cycles may not be utilized, implying being able to return to the same page (see page 6 paragraph 57)

Regarding claims 10, 21 and 32, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses wherein the applying step applies a different standard input of the selected input field type from the knowledge base of standard inputs in each successive iteration of the method. Benedikt discloses nondeterministically selecting an actions, implying a different standard input (see page 5 paragraph 49).

Regarding claims 11, 22 and 33, Benedikt discloses the claim limitation as discussed above. Benedikt further discloses the returning step causes the opening step to return to and open a different page within the website or web application. Benedikt discloses invoking ChoiceFinder to compute a set of possible actions for each visited page (see page 5 paragraph 49).

Regarding claims 34, 35 and 36, Benedikt discloses a method for a computer, a machine-readable medium having data stored thereon representing sequences of instructions executed by computing device, and a computer system suitable for automatically testing a website or a web application without the use of a test script, comprising a database for storing a plurality of database objects, at least one processor, at least one data storage device, and a plurality of processes spawned by said at least one processor (see figure 1 and page 2 paragraph 17), the processes including processing logic for:

opening a page within the website or web application. Bendikt discloses navigating through dynamic components of Websites (see page 2 paragraph 17) detecting a user input field in the opened page. Bendikt discloses discovering all the actions a user can execute while interacting with a webpage in a web browser, for example, browsing/navigation actions such as following a link and filling out and submitting forms (see page 2 paragraph 21).

based upon a type of the detected user input field in the opened page, selecting a standard input from a knowledge base of standard inputs that stores a plurality of standard inputs, and applying the selected standard input to the detected input field. Benedikt discloses provided values from a list of possible values to fill in the form by a tester (see page 2 paragraph 27), implying a knowledge database of standard inputs.

checking a page generated by the website or the web application for a generated message as a result of applying the selected standard input to the detected user input field and attempting to match the generated message with one of a plurality of standard errors stored in a knowledge base of standard errors, and when a matching message is generated as a result of applying the selected standard input to the detected user input field or when the generated message is determined to have a high likelihood of being an error message. Benedikt further discloses determining failures in retrieving a Web page by returning page not found or unsuccessful form submission by returning False by handler and grepping for strings that identify application specific errors (see page 6-7 paragraph 64).

generating a log entry, the log entry including at least one of an identification and a path of the generated page, the applied standard input, the generated message and a flag indicating that the generated message is an error message or is believed to be a potential error message. Benedikt discloses the error is logged (see page 6 paragraph 52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benedikt.

Regarding claims 8, 19 and 30, Benedikt discloses the claim limitation as discussed above. However, Benedikt fails to explicitly disclose wherein the knowledge base of standard inputs and the knowledge base of standard errors are stored in a same database.

Official Notice is taken for the concept of storing two different type of data in the same database. It would have been obvious to one of ordinary skill in the art at the time the invention was made wherein the knowledge base of standard inputs and the knowledge base of standard errors are stored in the same database. A person of ordinary skill in the art at the time of the invention could have been motivated because

Benedikt is concerning with storing two different types of data, standard inputs and standard errors (see page 2 paragraph 27 and page 6-7 paragraph 64), and a database is known to store different type of data and further provides easy access to the data.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Emerson C Puente/  
Primary Examiner, Art Unit 2113